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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,595	02/20/2002	Friedhelm Steinhilber	056066-2036	9674

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EXAMINER

DAVIS, DAVID DONALD

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/081,595	Applicant(s) STEINHILBER, FRIEDHELM	
	Examiner David D. Davis	Art Unit 2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8, 10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Heller et al (US 5,760,995). As per claims 1 and 12-14, Heller et al shows in figure 1 a data storage system 100 including at least one module housing 102. The module housing 102 having a front chamber and a rear chamber with the front and rear chambers running parallel to a front side 140 of the module housing 102 and extending across a width of the module housing 102. An open shaft being arranged between the front chamber and the rear chamber the shaft extending across the width of the module housing 102. The front chamber is adapted to receive at least two storage modules 156 adapted to hold storage media 158 and the rear chamber is adapted to receive at least one function module 110 for the data storage media 158. At least one transfer unit arranged in the shaft is also shown in figure 1. The transfer unit having a vertically traveling elevator 114 and a carriage 400 adapted to travel on the elevator 114 between the front chamber and the rear chamber. The carriage 400 has a grip mechanism 402/404 for the data storage media 158.

As per claim 2, the shaft of Heller et al is open on its upper side and its lower side so that an integral open shaft is created through all module housings when two or more module housings are stacked on top of one another. As per claim 3, the shaft as shown in figures 1 and 4 has

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vertical guides 116/118 on both sides to guide the elevator 114. As per claim 4, the guides 116/118 of the two module housings are in vertical alignment for at least one elevator 114 when two module housings are stacked on top of one another so that the at least one elevator 114 can travel continuously vertically in the connecting shafts of the stacked module housings.

As per claim 8, at least two module housings are stacked on top of one another. Heller et al also shows in figure 1 one of the module housings having at least one function module in the rear chamber and at least one other module housing having storage modules in the front chamber and the rear chamber. As per claim 10, Heller et al shows in figures 1, 4 and 5 the elevator 114 an electrical motor adapted to drive pinion gears. The pinion gears being adapted to engage into vertical racks arranged continuously vertically on sidewalls of the module housing 102 so the elevator 114 can travel vertically.

3. Claims 1, 12 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Tadokoro et al (US 6,166,877). As per claims 1, 12, 15 and 18, Tadokoro et al shows in figure 13 a data storage system including at least one module housing. The module housing having a front chamber and a rear chamber with the front and rear chambers running parallel to a front side of the module housing and extending across a width of the module housing. An open shaft being arranged between the front chamber and the rear chamber the shaft extending across the width of the module housing is also shown in figure 13. The front chamber is adapted to receive at least two storage modules adapted to hold storage media K and the rear chamber is adapted to receive at least one function module for the data storage media K. At least one transfer unit 2, as

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shown in figure 20, arranged in the shaft is also shown in figure 13. The transfer unit 2 having a vertically traveling elevator 114 and a carriage adapted to travel *horizontally* on the elevator between the front chamber and the rear chamber. The carriage has a grip mechanism for the data storage media K.

As per claims 16 and 17, figure 20 of Tadokoro et al shows the carriage being further adapted to travel on the elevator along a third axis of which the first, second and third axis define a Cartesian coordinate system.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller et al (US 5,760,995). Heller et al discloses the claimed invention. See description supra. However, Heller et al is silent as to disk magazines for CDs and/or DVDs and a “flipper”, CD burner or printer. Heller et al is also silent as to a module housing integrated into a 19-inch rack. Heller et al is additionally silent as to the control of the transfer unit being wireless.

Official notice is taken of the fact that magazines for CDs and/or DVDs and CD burners and/or printers are notoriously old and well known in the library art. Official notice is also taken of the fact that controlling units wirelessly is notoriously old and well known in the art.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide magazines in the library of Heller et al for CDs and/or DVDs and provide a CD burner or printer in the library of Heller et al. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide a magazine for CDs and/or DVDs so as to store CDs and/or DVDs, as well as, utilize CDs and/or DVDs in a library unit.

It also would have been obvious to a person having ordinary skill in the art at the time the invention was made to specify that the module housing of Heller et al be integrated into a 19-inch rack. The rationale is as follows: the purpose of the module is to house a magazine. The module need not be 19-inches to house a magazine. Realizing this, one of ordinary skill in the art at the time the invention was made would have been motivated to specify, which is well within the purview of a skilled artisan and absent an unobvious result, that a module housing be integrated into a 19-inch rack so as to accommodate a standard form factor, thereby reducing costs by utilizing off-the-shelf components.

It additionally would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the control of the transfer unit of Heller et al wireless. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide wireless control of the transfer unit, which is well within the purview of a skilled artisan and absent an unobvious result, so as to manage the library unit remotely.

Response to Arguments

6. Applicant's arguments filed June 25, 2004 have been fully considered but they are not persuasive. Applicant asserts on page 6 in the fifth paragraph that the transfer unit of Heller, the applied prior art, "is, thus, limited to travel along with the elevator in a single dimension". It should be noted that unlike independent claim 18, independent claims 1 and 12 do not required a the transfer unit to travel along more than one dimension.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

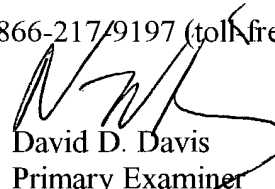
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503. The examiner can normally be reached on Monday thru Friday between 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217/9197 (toll-free).



David D. Davis
Primary Examiner
Art Unit 2652

ddd